

House File 304 - Reprinted

HOUSE FILE 304
BY COMMITTEE ON INFORMATION
TECHNOLOGY

(SUCCESSOR TO HSB 25)

(As Amended and Passed by the House February 8, 2021)

A BILL FOR

1 An Act relating to personal delivery devices, providing
2 penalties, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, subsection 90, Code 2021, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *0c.* Any personal delivery device operated
4 pursuant to chapter 3210.

5 Sec. 2. Section 321.519, Code 2021, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 3. Sections 321.514 through 321.518 and
8 this section do not apply to personal delivery devices operated
9 pursuant to chapter 3210.

10 Sec. 3. NEW SECTION. 3210.1 **Definitions.**

11 As used in this chapter, unless the context otherwise
12 requires:

13 1. "*Agent*" means any officer, director, or employee of a
14 business entity, or any other person who is authorized to act
15 on behalf of a business entity.

16 2. "*Business entity*" means a corporation, sole
17 proprietorship, association, partnership, limited liability
18 company, limited liability partnership, or other legal entity,
19 that is formed for the purpose of making a profit.

20 3. "*Pedestrian area*" means an area intended to be used by
21 any person afoot, including a sidewalk, crosswalk, or safety
22 zone, as those terms are defined in section 321.1.

23 4. "*Personal delivery device*" or "*device*" means a device to
24 which all of the following apply:

25 *a.* The device is manufactured for transporting cargo and
26 goods in a pedestrian area or supplementary area.

27 *b.* The device is equipped with automated driving technology,
28 including software and hardware, that enables the operation of
29 the device with the remote support and supervision of a natural
30 person.

31 *c.* The weight of the device is not greater than five hundred
32 fifty pounds, excluding cargo and goods.

33 Sec. 4. NEW SECTION. 3210.2 **Applicable law.**

34 1. The operation of a personal delivery device is
35 governed exclusively by this chapter and any applicable

1 ordinance regulating personal delivery devices adopted by a
2 local authority, as defined in section 321.1, that is not
3 inconsistent with this chapter.

4 2. For the purposes of this title, a personal delivery
5 device operated in compliance with this chapter shall not be
6 considered a vehicle.

7 Sec. 5. NEW SECTION. 3210.3 Operators.

8 1. A business entity may operate a personal delivery device
9 under this chapter only if a natural person who is an agent of
10 the business entity has the capability to monitor and remotely
11 exercise physical control over the navigation and operation of
12 the device while the device is engaged.

13 2. Except as provided by subsection 3, when a personal
14 delivery device operated by a business entity is engaged,
15 the business entity is considered to be the operator of the
16 device solely for the purpose of assessing compliance with this
17 chapter and laws made applicable to the operation of the device
18 under this chapter.

19 3. When a personal delivery device operated by a business
20 entity is engaged and an agent of the business entity exercises
21 control over the device in a manner that is outside the scope
22 of the agent's office or employment, the agent is considered
23 to be the operator of the device solely for the purpose of
24 assessing compliance with this chapter and laws made applicable
25 to the operation of the device under this chapter.

26 4. A person is not considered to be the operator of a
27 personal delivery device solely because the person requests a
28 delivery or service provided by the device or dispatches the
29 device.

30 Sec. 6. NEW SECTION. 3210.4 Operation.

31 1. The operator of a personal delivery device shall ensure
32 that, while engaged, the device does all of the following:

33 a. Operates in a manner that complies with the provisions
34 of chapter 321 applicable to pedestrians, unless the provision
35 cannot by its nature apply to the device.

1 *b.* Yields the right-of-way to all other traffic, including
2 pedestrians.

3 *c.* Operates in a manner that does not unreasonably interfere
4 with other traffic, including pedestrians.

5 *d.* Complies with any ordinance regulating personal delivery
6 devices adopted by a local authority, as defined in section
7 321.1, that is not inconsistent with this chapter.

8 *e.* Is monitored or controlled by an agent of the business
9 entity operating the device.

10 *f.* Operates in a manner that allows the device to come to a
11 controlled stop in a reasonably safe time and distance.

12 2. The operator of a personal delivery device shall
13 ensure that, while engaged, the device does not do any of the
14 following:

15 *a.* Obstructs the right-of-way of any other traffic,
16 including pedestrians.

17 *b.* Transports any hazardous material regulated by section
18 321.450 or 49 U.S.C. ch. 51 that is required to be placarded.

19 3. A person who violates this section commits a simple
20 misdemeanor punishable as a scheduled violation under section
21 805.8A, subsection 9B.

22 Sec. 7. NEW SECTION. 3210.5 **Areas of operation.**

23 1. A personal delivery device may operate on any of the
24 following:

25 *a.* A pedestrian area at a speed not to exceed twelve miles
26 per hour.

27 *b.* A road, provided that the speed limit on the road is
28 forty miles per hour or less and there is no reasonable access
29 to a pedestrian area, at a speed not to exceed twenty miles per
30 hour or the speed limit on the road, whichever is lower.

31 2. The operator of a personal delivery device that violates
32 this section commits a simple misdemeanor punishable as a
33 scheduled violation under section 805.8A, subsection 5.

34 Sec. 8. NEW SECTION. 3210.6 **Equipment.**

35 1. A personal delivery device operated under this chapter

1 must be equipped with all of the following:

2 a. A marker that clearly states the name and contact
3 information of the business entity operating the device and a
4 unique identification number.

5 b. A braking system that enables the device to come to a
6 controlled stop in a reasonably safe time and distance.

7 2. A personal delivery device operated at the times
8 specified in section 321.384 must be equipped with and display
9 a lighted lamp on the front and rear of the device, including
10 one or more lighted lamps visible on all sides of the device,
11 which lamps must be recognizable in clear weather conditions
12 from a distance of five hundred feet from the device when the
13 device is directly in front of a motor vehicle's headlamps
14 displaying the lowermost distribution of light as discussed in
15 section 321.409, subsection 1, paragraph "b".

16 3. The operator of a personal delivery device that violates
17 subsection 1 commits a simple misdemeanor punishable by a fine
18 of at least one hundred dollars but not more than one thousand
19 dollars for each violation.

20 4. The operator of a personal delivery device that
21 violates subsection 2 commits a simple misdemeanor punishable
22 as a scheduled violation under section 805.8A, subsection
23 9B. However, the citation shall first provide for a
24 seventy-two-hour period within which the operator charged with
25 the violation shall replace or repair the lamp as described in
26 section 321.385A. If the operator complies with the directive
27 to replace or repair the lamp, the citation shall be expunged.

28 Sec. 9. NEW SECTION. 3210.7 Regulation by local
29 authorities.

30 1. A local authority, as defined in section 321.1, may
31 prohibit the operation of personal delivery devices on all
32 roads and pedestrian areas, or on certain roads or pedestrian
33 areas, within its jurisdiction.

34 2. Except as authorized under subsection 1, a local
35 authority shall not regulate the operation, equipment,

1 licensing, registration, or taxation of a personal
2 delivery device in a manner inconsistent with this chapter,
3 including but not limited to imposing additional taxes,
4 fees, assessments, surcharges, licenses, registrations,
5 or certifications, or by imposing additional restrictions
6 or requirements relating to hours or areas of operation,
7 equipment, or the types of cargo or goods that may be
8 transported.

9 3. This section does not affect the power of a local
10 authority's peace officers to enforce the laws of this state
11 relating to the operation of a personal delivery device.

12 Sec. 10. NEW SECTION. 3210.8 Insurance.

13 A business entity that operates a personal delivery device
14 under this chapter shall maintain an insurance policy that
15 includes general liability coverage of not less than five
16 hundred thousand dollars for damages arising from the operation
17 of the device.

18 Sec. 11. Section 805.8A, subsection 5, paragraph a,
19 unnumbered paragraph 1, Code 2021, is amended to read as
20 follows:

21 For excessive speed violations in excess of the limit under
22 section 321.236, subsections 5 and 11, [section 321.285](#), section
23 321.383, subsection 5, section 3210.5, subsection 1, and
24 section 461A.36, the scheduled fine shall be the following:

25 Sec. 12. Section 805.8A, Code 2021, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 9B. *Personal delivery device violations.*

28 a. For violations under section 3210.4, the scheduled fine
29 is thirty-five dollars.

30 b. For violations under section 3210.6, subsection 2, the
31 scheduled fine is forty-five dollars.